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Special Counsel for the Trustee Areya Holder Aurzada

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CASE NO. 22-30500-swe7
DENNIS JAMES ROGERS II,	§	
Debtor.	§	CHAPTER 7

**AREYA HOLDER AURZADA,
CHAPTER 7 TRUSTEE FOR THE
BANKRUPTCY ESTATE OF
DENNIS JAMES ROGERS II
Plaintiff,**

v.

FUNDERZ.NET, LLC,

Defendant.

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Adversary No. 24-03028

**TRUSTEE’S NOTICE THAT THE AMENDED COMPLAINT
MOOTS DEFENDANT’S MOTION TO DISMISS**

On June 6, 2024, Defendant Funderz.Net, LLC (“Funderz”) moved to dismiss Trustee’s

Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). *See* Dkt. No. 5.

On July 22, 2024, the Trustee filed an Amended Complaint. *See* Dkt. No. 20. As a result, Funderz’s Motion to Dismiss is moot. “An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.” *King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Thus, because the original Complaint has been deprived of “legal effect,” Funderz’ Motion to Dismiss must be denied as moot. *See Optis Wireless Tech., LLC v. Apple Inc.*, No. 19-0066, 2020 WL 999463, at *1 (E.D. Tex. Mar. 2, 2020) (denying defendant’s motion to dismiss original complaint as moot after plaintiffs filed an amended complaint); *Bank of N.Y. Mellon v. Maniscalco*, No. 15-0035, 2015 WL 11111369, at *1 n.2 (E.D. Tex. May 11, 2015) (same); *Chaisson v. Grounds*, No. 13- 0054, 2014 WL 175329, at *4 (E.D. Tex. Jan. 14, 2014) (“The Fifth Circuit has stated that an amended complaint supersedes the original and becomes the operative pleading.”).

Respectfully submitted,

By: /s/ David B. Miller

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 22, 2024, I caused a copy of the foregoing to be served on all parties eligible to receive service through the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas by electronic mail.

By: /s/ T. Micah Dortch

T. Micah Dortch